



## DECISION NOTICE

Reference: ( )

**Hearings Panel: 6 July 2017**

**Subject Member: Councillor Imtiaz Ali**

**Complainant: Mr A Mahmud**

### Complaint

A complaint was received following the reporting in the Lancashire Telegraph on 6 September 2016 regarding the conduct of Councillor Ali and the use of his Facebook account.

The Complainant claimed that Councillor Ali made a statement on his Facebook account that included a phrase in Punjabi, which allegedly was homophobic in nature and grossly offensive, and therefore breached the Code of Conduct. An investigation was undertaken by an Investigation Officer (nominated by the Monitoring officer). At its meeting on 8 February 2017, the Standards Committee recommended to the Monitoring Officer to refer the complaint to Hearings Panel for determination in accordance with the Council's *'Arrangements for Dealing with Complaints about the Code of Conduct for Members'* ("the Arrangements").

On 15<sup>th</sup> March 2017 the full Standards Committee appointed the members to the Hearing Panel, comprising of three elected members of the Council and one Independent Member, in accordance with the Arrangements. .

The Hearings Panel conducted the hearing at public meeting on 6 July 2017, chaired by the Independent Member and considered representations from the Investigation Officer and Councillor Ali. Councillor Ali in support of his case also produced documentary evidence from two translation/interpretation services at the meeting, Connect Interpreting and Translation Service Ltd and FH Language Solutions Ltd. This evidence was considered alongside the Investigation officer's report and findings, which also included documentary evidence from an independent interpretation/translation service, Lancashire Interpretation & Translation Services. There was no evidence to suggest that the phrase was homophobic from these independent sources.

## **Decision**

The Hearings Panel found that the phrase in Punjabi used by Councillor Ali on his Facebook account was not homophobic as alleged. This finding concurred with the Investigating Officer's report. However, the Hearings Panel did find that the language used by Councillor Ali was abusive and also considered to be offensive to any person reading it. Accordingly, the Panel found that Councillor Ali had breached the following provisions of the Code of Conduct for Members by the use of language on his Facebook account:

- *"You must not:.....bully or be abusive to any person"* (Paragraph 3.1[b])
- *"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute."* (Paragraph 5).

In view of its findings of failure to comply with the Code of Conduct for Members, the Hearings Panel under Paragraph 13 of the Arrangements resolved that the following sanctions in respect of Councillor Ali be taken:

1. To publish the Hearings Panel's findings in respect of Councillor Ali's conduct;
2. To report the Hearing Panel's findings to the Council for information;
3. To recommend to Councillor Ali's Group Leader that he be removed from any committees or subcommittees of the Council until end of the calendar year;
4. To instruct the Monitoring Officer to arrange appropriate training for Councillor Ali.

## **Reasons for the decision**

Although it was noted there was inconsistency in his responses to questions related to the posting on his Facebook account and the quotes attributed to him in the press at the time, Councillor Ali during the investigation and Hearing accepted responsibility for posting the phrase in Punjabi on his Facebook account.

The Council expects the highest standards of conduct from its Councillors and in breaching the Code of Conduct Councillor Ali had fallen far short of the required standard. The Hearings Panel viewed these matters seriously and concluded the language used was abusive and also the Councillor by his actions had brought the Council into disrepute. Therefore, the Hearings Panel determined that it was appropriate to impose the above sanctions.

## **Notice of the decision**

This Decision Notice will be sent to the Complainant and the Subject Member. The decision will also be reported to the next meeting of the Standards Committee.

## **Appeal**

Subject to judicial review or a decision of a Local Government Ombudsman, there is no right of appeal against the decision of the Hearings Panel.